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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.: CR00-506-TSZ
10 Plaintiff,)
11 v.) SUMMARY REPORT OF U.S.
12 KENNETH B. JOHNSON,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An initial hearing on supervised release revocation in this case was scheduled before me
16 on September 21, 2005. The United States was represented by AUSA Tessa Gorman and the
17 defendant by Carol Koller. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about June 14, 2001 by the Honorable Thomas S.
19 Zilly on a charge of Distribution of Methamphetamine and sentenced to 6 Months Custody, 5
20 years Supervised Release. (Dkt. 22).

21 The conditions of supervised release included requirements that defendant comply with all
22 local, state, and federal laws and with the standard conditions of supervision. Other special
23 conditions included mandatory drug testing, narcotic addiction/drug dependency treatment and
24 testing, refrain from alcohol and other intoxicants, submit to search, participate in a mental health
25 program, provide access to financial information, refrain from self-employment or employment by
26 friends or family unless approved by probation officer, do not accept employment until approved

01 by probation officer, do not work for cash, and provide copies of paycheck stubs to probation
02 officer.

03 Defendant commenced supervision on February 4, 2005. On March 29, 2005, his
04 probation officer reported that he tested positive for methamphetamine. This was his first positive
05 test since commencing supervision. He was reprimanded, placed in a structured testing program
06 with increased frequency of testing, and referred for counseling and outpatient treatment. (Dkt.
07 26).

08 On June 3, 2005, defendant agreed to modify the conditions of supervised release to
09 require residence in a halfway house for up to 180 days. The change was recommended based on
10 five urine samples that tested positive for methamphetamine. (Dkt. 27).

11 In an application dated August 16, 2005, U.S. Probation Officer Jennifer J. Tien alleged
12 the following violation of the conditions of supervised release:

13 1. Being arrested and charged with driving on a suspended license, first degree;
14 speeding 13 miles per hour over limit; and refusing to comply with police on July 31, 2005 in
15 Lynnwood Municipal Court, Lynnwood, Washington, in violation of the general condition that
16 the defendant not commit any federal, state or local offenses.

17 2. Failing to report for urinalysis testing on August 3, 2005, in violation of the special
18 condition of drug aftercare.

19 3. Failing to reside in and successfully participate in the community corrections center
20 program at Pioneer Fellowship House, as directed by the Court, in violation of his special
21 condition of supervised release. (Dkt.28.)

22 Defendant was advised in full as to those charges and as to his constitutional rights.

23 Defendant admitted each of the alleged violations and waived any evidentiary hearing as
24 to whether they occurred.

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01 I therefore recommend the Court find defendant violated his supervised release as alleged
02 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
03 set before Judge Zilly.

04 Pending a final determination by the Court, defendant has been detained.

05 DATED this 21st day of September, 2005.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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11 cc: District Judge: Honorable Thomas S. Zilly
12 AUSA: Tessa Gorman
13 Defendant's attorney: Carol Koller
14 Probation officer: Jennifer J. Tien
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